

July 5, 2005

The Walton County Board of Commissioners held its regular monthly meeting on Tuesday, July 5, 2005 at 6:00 p.m. in the Board Room of the Walton County Government Building, 303 South Hammond Drive, Suite 330, Monroe, Ga. Those present included Interim Vice Chairman Gerald Atha, Commissioners Clinton Ayers, Vickie Gasaway & Lamar Palmer, County Clerk Leta Talbird, County Attorney Ken Lander and Planning Director Mike Martin. A list of citizens and other employees in attendance at this meeting is on file in the auxiliary file under this meeting date.

Vice Chairman Atha called the meeting to order at 6:05 p.m. and led those present in the Pledge of Allegiance. Commissioner Ayers opened the meeting in prayer.

Commissioner Ayers made a motion to adopt the agenda as presented, with requested addition. Commissioner Palmer seconded the motion. All voted in favor.

Commissioner Gasaway made a motion, seconded by Commissioner Ayers, to defer a decision on a Planning Commission recommendation to approve a rezone request from A-1 to R-1 with OSC Overlay on 15.18 acres for Hires Property until the August 2, 2005 meeting. All voted in favor.

District Attorney Ken Wynn requested the Board approve the purchase of a 2005 Ford Crown Victoria with Police Package in the amount of \$21,231.00 from Allen Vigil Ford. Mr. Wynn stated that the Board had approve the purchase of a 2005 Crown Victoria without the Police Package at its meeting last month, but that the car was sold before the necessary approval could be obtained. He stated that the difference in the cost of the vehicle is \$1,834.00 and that he would pay the difference with forfeited funds. Commissioner Ayers made a motion to approve the purchase. Commissioner Gasaway seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a rezone request from I-1 to M-2 for Warrior Roofing Manufacturing of Georgia, LLC. The effected property is located at 193 Leroy Anderson Road and is further identified on WC Tax Map C 135, Parcel 36. The purpose of the request is for future potential expansion of the existing facility. Vice Chairman Atha opened the public hearing on the matter. Steven Crews of Warrior Roofing came before the Board in support of the rezone. Greg Meadows of Meadows Funeral Home spoke in opposition to the rezone, stating that there is a problem with the odor from the existing facility and that if the applicant increases the size of the facility, it will increase the smell. Mr. Crews stated that the company is investigating additives to retard the smell. Planning Director Mike Martin stated that the County does not have the expertise or equipment to monitor the odor levels, that the E.P.D. monitors the facility. Mr. Martin added that the Board could direct the Planning & Development Office to contact E.P.D. to see if there is any process available to retard the smell. After further discussion, Vice Chairman Atha closed the public hearing on the

matter. Vice Chairman Atha made a motion to approve the rezone with the condition that the Planning & Development Office check with E.P.D. to see if there is any process to eliminate the odor and that Warrior will be directed to comply with E.P.D. recommendations. He further moved to refund the application fee paid by Warrior and that those funds will be used to research and refine the process to eliminate odor. Commissioner Palmer seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a land use designation change from high density residential to medium density and rezone from R-1 to A-1 for horses on 5.016 acres for John & Dianne Cassara. The effected property is located at 2910 Tig Knight Road and is further identified on WC Tax Map C 47, Parcel 52 A. Vice Chairman Atha opened the public hearing on the matter. John Cassara came before the Board in support of the request. There was no one present in opposition. Vice Chairman Atha closed the public hearing on the matter. Commissioner Ayers made a motion, seconded by Commissioner Gasaway, to approve the land use designation change and rezone. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone from A-1 to R-1 with Open Space Conservation Overlay for Elrod Development, LLC. The effected property, owned by Bonnie Bethke, is located at 4490 Double Springs Road and is further identified on WC Tax Map C 58, Parcel 29. The purpose of the request is to rezone 13.43 acres for a residential subdivision. Vice Chairman Atha opened the public hearing on the matter. Brian Elrod came before the Board in support of the rezone. Mike Cothran, a resident of Double Springs Road, spoke in opposition, stating that the house and lot sizes for the proposed development are inconsistent with the neighborhood. He stated that he is concerned that the smaller development will turn into rental property. Mr. Cothran expressed his concern that the proposed entrance is located in a long curve, stating that he already has a hard time getting out on Double Springs Road himself. He added that he is concerned about the potential water runoff from the development onto his property. Mr. Elrod, in rebuttal, stated that the proposed development is consistent with the land use map and that any runoff from impervious surfaces in the development will have to be diverted. Vice Chairman Atha closed the public hearing on the matter. Commissioner Ayers stated that Alcovy Bluff subdivision is already there and there are other subdivisions in the area adjacent to the property. Commissioner Ayers made a motion to approve the rezone. Commissioner Gasaway seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone from A-1 & R-1 with Open Space Conservation Overlay to R-1 with 2400 Overlay for East Atlanta Properties & The Sockwell Company. The effected property is located on Emmett Still Road and is further identified on WC Tax Map C 29, Parcels 23 & 25. The purpose of the request is to rezone 53.63 acres for a residential subdivision. Vice Chairman Atha opened the public hearing on the matter. David Willett of East Atlanta Properties came before the Board in support of the rezone. There was no one present in opposition. Vice Chairman Atha closed the public hearing on the matter. Commissioner

Gasaway made a motion to approve the rezone with the conditions that there will be no vinyl siding on the homes, there will be a drainage ditch on lots 21, 22 & 23 to connect to the existing drainage ditch in Phase I, and that the driveway mentioned in the case file will be removed prior to the final plat being recorded. Commissioner Ayers seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a land use designation change from low density & commercial to commercial and rezone from B-2 & A-2 to B-3 for Kelly Bowling. The effected property is located at 1441 Hwy. 81 South and is further identified on WC Tax Map C 52, Parcels 53 & 54 Split. The purpose of the request is to change the land use and rezone 4.561 acres for a convenience store and retail shops. Vice Chairman Atha opened the public hearing on the matter. Kelly Bowling came before the Board in support of the request. There was no one present in opposition. Vice Chairman Atha closed the public hearing on the matter. Commissioner Gasaway made a motion to approve the land use designation change and rezone with the condition that the businesses will be limited to retail sales. All voted in favor.

The Board considered a Planning Commission recommendation to approve a land use designation change from high density residential to commercial and a rezone from R-1 to B-3 for Normark Properties. The effected property, owned by David Birchfield, is located at 5949 Hwy. 20 and is further identified on WC Tax Map C 7, Parcels 10 & 11. The purpose of the request is to change the land use and rezone 22.4 acres for commercial use. Vice Chairman Atha opened the public hearing on the matter. Mark Strieffert of Normark Properties came before the Board in support of the request. Sid Gordon, a resident of Bailey Circle spoke in opposition, stating that B-3 zoning would open the property up to a lot of different types of development and that he would like more specificity. Norma Billingsley expressed her concerns that any development that takes place in the area should blend in with the neighborhood as far as building materials and landscaping. Planning Director Mike Martin stated that the Planning Department received a new survey that corrects the total effected acreage to 24.675 acres. After further discussion, Vice Chairman Atha closed the public hearing on the matter. Commissioner Ayers made a motion to approve the land use change and rezone with the condition that it will be limited to less intense wholesale distribution special trade contractors, that there will be three sided brick on the buildings along Hwy. 20 and that there will be an accel/decel lane and center left turn lane installed according to GDOT specifications. Commissioner Palmer seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a rezone from B-2 & A-1 to B-3 for North Star Custom Homes, Inc. The effected property is located on Hwy. 138 and is further identified on WC Tax Map C 53, Parcel 53 Split. The purpose of the request is to rezone 9.417 acres for commercial development. Vice Chairman Atha opened the public hearing on the matter. Attorney Paul Rosenthal, representing the applicant, came before the Board in support of the rezone. Mr. Rosenthal referenced a Constitutional letter submitted on the applicant's behalf at the Planning Commission

meeting. He then reviewed conditions agreed upon by the applicant. There was no one present in opposition to the rezone. Vice Chairman Atha closed the public hearing on the matter. Commissioner Gasaway made a motion to approve the rezone with the following conditions: The county will request a compliance letter and permits as required by EPD, and permit and compliance letter from the State Fire Marshall's office for the removal of rock, a specific time frame for the completion of the project will be established, 24-hour notice shall be provided to adjoining property owners as blasts are scheduled and seismographic monitoring stations shall be provided at appropriate locations, said readings shall be made available to the county upon request, ingress and egress of heavy equipment only on Hwy. 138 and only single tandem axel vehicles off Cannon Farm Road. Commissioner Ayers seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to deny a land use designation change from office professional to commercial and rezone from A-1 to B-2 for Windfield Enterprises. The effected property, owned by Thomas & Julie Gleaton, is located at Hwy. 81 and Bentley Road and is further identified on WC Tax Map C 70, Parcel 45. The purpose of the request is to change the land use designation and rezone 5.00 acres for mini warehouses/self storage. Vice Chairman Atha opened the public hearing on the matter. Attorney Paul Rosenthal, representing the applicant and the property owners, came before the Board in support of the request. He stated that a Constitutional rights letter was presented on behalf of the applicants at the Planning Commission meeting. Steve Phillips, a resident of Arden Crest subdivision, came before the Board in opposition. He presented a petition with signatures of Arden Crest residents opposed to the rezone. Mr. Phillips stated that it does not make sense to put this type development right in the middle of an emerging residential area. Rick Lipsy spoke in opposition, stating that he has a 500 ft. common border with the effected property. He stated that there are B-2 properties for sale less than a mile from this property that would be more appropriate for mini warehouses. Mr. Lipsy reviewed the definition and purpose of the County's Land Use Plan and Short Term Work Program. He stated that the proposed development goes against the Land Use Plan. Mike Neira expressed his concerns about the entrance off Bentley Road. He stated that is hard for cars to get out already. He added that most homes in the area have their own storage areas, such as basements. He stated that the proposed mini warehouses would be used by others who travel along the Hwy. 81 corridor. In rebuttal, Mr. Rosenthal stated that all mini warehouses sell on convenience and that statistics show those using them live within one mile of the area. Attorney A.W. Wyman, speaking on behalf of the opponents, stated that there are plenty of other spaces available for this type development and there is no need to crowd this pristine residential corridor. Tom White also spoke in opposition to the rezone. Vice Chairman Atha closed the public hearing on the matter. Vice Chairman Atha made a motion to deny the land use designation change. Commissioner Ayers seconded the motion. All voted in favor. Vice Chairman Atha made a motion to deny the rezone. Commissioner Ayers seconded the motion. All voted in favor.

The Board considered a request to approve withdrawal of a rezone request from A-1 to A for greenhouses on 10.780 acres for Alexander Rilco & Jacqueline Coburn.

Commissioner Gasaway made a motion, seconded by Commissioner Palmer, to approve withdrawal of the rezone request without prejudice. All voted in favor.

The Board considered a Planning Commission recommendation to approve amendments to the Walton County Land Development Ordinance. Commissioner Ayers made a motion, seconded by Commissioner Gasaway, to approve the amendments as shown on Errata Sheet dated 5-13-05 with a change stating that traffic calming measures may be used. All voted in favor.

The Board considered a Planning & Development Office recommendation to approve an amendment to the Walton County Sign Ordinance as adopted on 9-2-03. Commissioner Palmer made a motion to approve the amendment as presented. Commissioner Ayers seconded the motion; voted and carried unanimously.

Commissioner Palmer made a motion to accept the following rights of way on subdivision streets: The Preserve at Good Hope – Good Hope Preserve, Rabbit Run, Quail Court, Tilley Trace – Bryson Trail, Anna Marie Lane, Corey Creek Drive, Duval Drive and Klossner Court. Commissioner Gasaway seconded the motion; voted and carried unanimously.

At 7:40 p.m., Commissioner Ayers made a motion, seconded by Commissioner Palmer, to adjourn the meeting. All voted in favor.

All documents of record for this meeting are on file in either the addendum book or auxiliary file under this meeting date.

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GERALD ATHA, VICE CHAIRMAN

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LETA P. TALBIRD, CLERK

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CLINTON AYERS, DISTRICT 1

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VICKIE M. GASAWAY, DISTRICT 3

LAMAR PALMER, DISTRICT 4